



U.S. Department of Justice

United States Attorney
Western District of New York

Further inquiries: (716) 843-5814

138 Delaware Avenue
Buffalo, New York 14202

PRESS RELEASE

December 10, 2003

RE: UNITED STATES v. MARVIN GALLER

United States Attorney Michael A. Battle announced today the sentencing of a former area physician, Marvin Galler, age 47, now a resident of Boca Raton, Florida, who formerly lived in Williamsville, New York. Galler, who had pled guilty adulterating a drug with intent to mislead, was sentenced by the Hon. Richard J. Arcara, United States District Court Judge, to one year probation and a \$5,000 fine.

Assistant U.S. Attorney John E. Rogowski, who prosecuted the case, stated that Galler, in his guilty plea on July 10, 2003, admitted that during the flu shot season in November, 2001, as his office's supply of vaccine was running low, he surreptitiously diluted a number of bottles of flu vaccine which he knew his staff would subsequently administer to patients. As a result, between 10 to 50 patients received the diluted flu shots. At the time of the crime, Galler conducted his medical practice as Amherst Cardiology and Internal Medicine at 6333 Main Street, Williamsville, New York. There was

no evidence that anyone subsequently became ill because they had received diluted shots. As part of his guilty plea, Galler, who previously surrendered his medical license, agreed to a six year exclusion from any participation in federally funded medical programs such as Medicare and Medicaid.

The sentence was the culmination of an investigation on the part of the Western New York Health Care Fraud Task consisting of agents from the United States Department of Health and Human Services - Office of Inspector General, the Federal Bureau of Investigation, under the direction of Special Agent in Charge Peter Ahearn, the Internal Revenue Service - Criminal Investigation Division, under the direction of Special Agent in Charge Ann Marie Coons, United States Postal Inspections Service, under the direction of Postal Inspector in Charge Thomas Shipley, and the Department of Defense - Criminal Investigation Service, under the direction of Resident Agent in Charge Donald McNamara.

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